



# **ELEMENT SIX**

## ***Data and Information Collection and Maintenance***

***(29 CFR 37.54(d)(1)(iv) and (vi))  
(29 CFR 37.37 - 37.41  
and 29 CFR 37.53)***



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#### Purpose

The state will address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.37 through 37.41 related to data information collection and maintenance. The State of Arizona's system is in compliance with the requirements of the Workforce Investment Act Standardized Report Document (WIASRD) as published by the Department of Labor (DOL). The Local Workforce Investment Areas (LWIA) are responsible for collecting, maintaining and reporting of obtained information. All programs are monitored annually by the State to insure compliance with record keeping and contract requirements.

#### Narrative

- **Collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment; record the race/ethnicity, sex, age and disability status of each applicant, registrant, eligible applicant/registrant, participant, terminee, employee, and applicant for employment (29 CFR Part 37.37(b)(2)).**

The LWIA's collect the information during the intake process and update as needed throughout the individuals participation in the WIA program system. The State of Arizona obtains a summary of all participants by race/ethnicity, sex, age, and disability status. The information is used to monitor recipient equal opportunity performance, identify areas and individuals or groups of individuals that appear to be discriminated against to assure compliance with WIA Section 188 and Part 37. The State of Arizona utilizes the "WIASRD" to collect participant data and record for DOL. (See attached copy of WIASRD and other state data collection forms). Records are maintained for a period of three years from the close of the applicable program year. The Local Area EO's must inform the State EO Officer about complaint investigation and submission of complaint reports.

- **Treat records, particularly those containing medical information, in a manner that ensures their confidentiality (29 CFR Part 32.15; 29 CFR Part 37.37(b)(2); and 29CFR Part 37.41).**

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State policy provides for the confidentiality of information collected and maintained regarding the disabilities of individuals. Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with ADA. The following are allowed access to this confidential information: supervisors and managers, first aid and safety personnel, and employers (once conditional offer of employment is made).

Maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIA Section 188 (29 CFR Part 37.37). Maintain such records for a period of three years (29 CFR Part 37.39). Grant applicants and recipients notify the CRC Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the bases prohibited by WIA Section 188 (29 CFR Part 37.37(a)).

Complaints alleging discrimination on one or more of the following bases: race, color, religion, national origin, age, disability, political affiliation or belief, participation in any WIA Title I financially assisted programs and/or activities, and/or for beneficiaries only, citizenship status; may be filed at the local level, the state level or with the Civil Rights Center (CRC). Each written complaint filed at the local level is noted on a local-level grievance/complaint log by the designated EO Officer and forwarded to the State EO Officer for processing. The log is submitted as the incidents occur but under no circumstance shall the time of submission be over two working days after the initial complaint was filed. The LWIA log contains a case number, grievant name, nature of complaint, date filed, the disposition of the complaint and other pertinent information. Records are maintained for a period of three years from the close of the applicable program year unless a complaint has been filed and is not yet resolved.

New procedures are being written to address the issue of elevating a complaint/grievance to a level beyond the State EO Officer. The procedures will be completed by September 30, 2001.